



BILLING CODE 6717-01-P
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

Texas Gas Transmission, LLC

[Docket No. CP21-467-000]

Notice of Intent to Prepare an
Environmental Impact Statement for The Proposed **Henderson County Expansion Project**, Request for Comments on Environmental Issues, and Schedule for
Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Henderson County Expansion Project (Project) involving construction and operation of facilities by Texas Gas Transmission, LLC (Texas Gas) in Henderson and Webster Counties, Kentucky and Posey and Johnson Counties, Indiana. The Commission will use the EIS in its decision-making process to determine whether Texas Gas's proposed Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the Schedule for Environmental Review section of this notice.

As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as "scoping." By notice issued on July 29, 2021, in Docket No. CP21-467-000, the Commission opened a scoping period for the Project. Commission staff intends to prepare an EIS that will address the concerns raised during the initial scoping process and comments received in response to this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the EIS, including comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 pm Eastern Time on **November 8, 2021**. Further details on how to submit comments are provided in the Public Participation section of this notice.

As mentioned above, the Commission opened a scoping period which expired on August 30, 2021. All substantive comments provided during the initial scoping session

will be addressed in the EIS. Therefore, if you previously submitted comments on this Project to the Commission you **do not need** to file those comments again.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or oversee the exercise of eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Texas Gas provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

- 1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;
- 2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

- 3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket number (CP21-467-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Summary of the Proposed Project, the Project Purpose and Need, and Expected Impacts

Texas Gas proposes to construct and operate a new lateral and meter and regulator (M&R) station, upgrade an existing M&R station, and modify and add compression to Texas Gas' existing Slaughters Compressor Station. The Henderson County Expansion Project would provide up to 220 million standard cubic feet of natural gas per day to Southern Indiana Gas and Electric Company d/b/a CenterPoint Energy Indiana South (CenterPoint) at its existing AB Brown Generating Station in Posey County, Indiana. According to Texas Gas, its Project would support CenterPoint's retirement of four existing coal-fired units and implementation of new intermittent renewable resources (i.e., solar and wind) by providing the reliability of intermittent natural gas service during natural fluctuations in wind and solar availability.

The Henderson County Expansion Project would consist of the following facilities:

- Henderson County Lateral – Construction of an approximately 24-mile-long, 20-inch-diameter natural gas transmission pipeline extending from a new tie-in facility in Henderson County, Kentucky to the new AB Brown M&R Station in Posey County, Indiana.
- AB Brown M&R Station and Point of Demarcation Site (Posey County, Indiana) – Construction of a delivery M&R station, receiver facility, and a 0.08-mile-long, 16-inch-diameter interconnecting pipeline terminating at the new Point of Demarcation Site which would serve as CenterPoint's tie-in for project facilities for its AB Brown Plant.
- Slaughters Compressor Station (Webster County, Kentucky) – Installation of a new 4,863-horsepower Solar Centaur 50 turbine compressor unit with piping modifications and other appurtenant facilities, abandonment in place of the existing Compressor Unit 5, and placement on standby of existing Compressor Units 6 and 7.

- New ancillary facilities including a main line valve and tie-in facility in Henderson County, Kentucky and upgrades to an existing M&R station in Johnson County, Indiana.

The general location of the project facilities is shown in appendix 1.¹

Based on environmental information provided by the Company, construction of the proposed facilities would disturb about 402 acres of land for the aboveground facilities and the pipeline. Following construction, Texas Gas would maintain about 152 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses. About 47.5 percent of the proposed pipeline route parallels existing pipeline, utility, or road rights-of-way.

Based on an initial review of Texas Gas's proposal and public comments received during scoping, Commission staff have identified expected impacts that deserve attention in the EIS. These include: 2.29 acres of wetland disturbance; 110 waterbody crossings (71 ephemeral streams, 21 perennial streams, 17 intermittent streams, and 1 natural pond); visual impacts, greenhouse gas emissions, and potential impacts on wildlife management areas, special status species, environmental justice communities, and air quality.

The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- greenhouse gas and climate;
- air quality and noise; and
- reliability and safety.

¹ The appendices referenced in this notice will not appear in the Federal Register. Copies of the appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called "eLibrary." For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208-3676 or TTY (202) 502-8659.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

The EIS will present Commission staff's independent analysis of the issues. Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary² and the Commission's natural gas environmental documents webpage (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

Alternatives Under Consideration

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action.³ Alternatives currently under consideration include:

- the no-action alternative, meaning the Project is not implemented; and
- a system alternative evaluating whether the Project purpose could be met by use of an existing pipeline system.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission initiated section 106 consultation for the Project in the notice issued on July 29, 2021, with the State Historic Preservation Offices, and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the project's potential effects on historic properties.⁴ This notice is a continuation of section 106 consultation for the Project. The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

² For instructions on connecting to eLibrary, refer to the last page of this notice.

³ 40 CFR 1508.1(z)

⁴ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Schedule for Environmental Review

On July 9, 2021, the Commission issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final NEPA document for the Project. This notice identifies the Commission staff's planned schedule for completion of a final EIS for the Project, which is based on an issuance of the draft EIS in April 2022.

Issuance of Notice of Availability of the final EIS
90-day Federal Authorization Decision Deadline⁵

August 25, 2022
November 23, 2022

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Permits and Authorizations

The table below lists the anticipated permits and authorizations for the Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission's EIS and may adopt the EIS to satisfy its NEPA responsibilities related to this Project. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Environmental Permits, Approvals, and Consultations	
Agency	Permit/Approval/Consultation
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act.
U.S. Army Corps of Engineers – Louisville City District	Clean Water Act 404, Nationwide Permit 12
U.S. Fish and Wildlife Service – Kentucky Ecological Services Field Office	Endangered Species Act – Section 7 Consultation, Migratory Bird Treaty Act, Bald Eagle and Golden Eagle Protection Act.
U.S. Fish and Wildlife Service – Bloomington Ecological Services Field Office	

⁵ The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

Environmental Permits, Approvals, and Consultations	
Agency	Permit/Approval/Consultation
Kentucky Energy and Environment Cabinet – Department of Environmental Protection	Section 401 Water Quality Certification
Indiana Department of Environmental Management (IDEM)	
Kentucky Heritage Council	<i>National Historic Preservation Act</i> , Section 106 Consultation
Indiana Division of Historic Preservation	

Environmental Mailing List

This notice is being sent to the Commission’s current environmental mailing list for the Project which includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission’s regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

- 1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number CP21-467-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. **This e-mail address is unable to accept comments.**

OR

- 2) Return the attached “Mailing List Update Form” (appendix 2).

Additional Information

Additional information about the Project is available from the Commission’s Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov

using the eLibrary link. Click on the eLibrary link, click on “General Search” and enter the docket number in the “Docket Number” field, excluding the last three digits (i.e., CP21-467). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission’s calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

DATED: October 7, 2021

Kimberly D. Bose,
Secretary.

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